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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/416,101	10/12/1999	STEVEN ROBERT DONOVAN	RIC-99-027	5716

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EXAMINER

PHAM, BRENDA H

ART UNIT PAPER NUMBER

2664

DATE MAILED: 06/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/416,101

Applicant(s)

DONOVAN et al

Examiner

Brenda Pham

Art Unit

2664



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jun 25, 2001
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 32-43 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32, 34, 36, 38, 40, and 42 is/are rejected.
- 7) ☒ Claim(s) 33, 35, 37, 39, 41, and 43 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 12
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

1. This correspondence is in response to the applicant's response filed on June 25, 2001.

Claims 32-43 are currently pending. Claims 1-31 are canceled.

#### *Claim Objections*

2. Claim 33 is objected to because of the following informalities:

-Claim 33, line 2, the recitation "a fourth field" should be changed to --a third field--.

Appropriate correction is required.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 32, 34, 36, 38 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by **Egawa et al** (US 5,745,694), hereinafter referred to as **Egawa**.

-Regarding claims 32, 34, 36 and 40, **Egawa** discloses a system and method for creating and using a data structure in a memory for storing information for controlling customer resources for network traffic delivery comprising (referring to figure 1, 2A-2C): entering a policy enforcement point (PEP) identifier (Circuit ID of FIG. 2A) corresponding to a policy enforcement point in a first field of the data structure; entering a group identifier (Link ID of FIG.

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2A) corresponding to the group of endpoints in a second field of the data structure in the memory, wherein the group of endpoints being associated with the PEP; entering predetermined network utilization (see FIG. 2A, Bandwidth) limit information for the group in a third field of the data structure, wherein the data structure is stored in the memory (Reservation QRST Database 103); receiving a message corresponding to a request for network resources for a data flow for one endpoint of the group of endpoints; accessing said data structure based on information contained within said message; and responding to said message based on information contained within said data structure. (See col. 4, lines 57-67, col. 5, lines 1-24, figures 2A and 2B).

**Egawa** teaches “Between the subscriber network 110 and a distant subscriber network a dedicated circuit is established through the network 114. Each circuit between these subscriber network comprises multiple transmission links which are connected in cascade through the network 114. Each of these links contains multiple channels. The number of channels contained in a link and the type of channels determine the maximum bandwidth (data transmission speed) of the link...The subscriber video terminal 121 is connected to the reservation system 100 to send a reservation request when the subscriber desires to establish a network resource (bandwidth) during a desired time span.”, (see col. 4, lines 57-67).

**Egawa** further teaches “As shown in FIG. 2A, the reservation request database 103 has multiple entries corresponding to requests. Each entry contains fields for storing request ID, circuit ID, link ID, time-of-day data indicating the timing for starting and ending the request and data indicating the amount of bandwidth required.”, (col. 5, lines 1-20).

-Regarding claim 34, **Egawa** also teaches the network utilization level information corresponding to a current amount of network resource consumption, (see item 104B of FIG. 2B).

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***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Egawa et al** (US 5,745,694).

-Regarding claim 42, as explained above in the rejection statement of claims 32, **Egawa** discloses all the claim limitations of claim 42. **Egawa** however does not specifically teach a computer program product embodied in a computer readable medium for performing a method for controlling customer resources for network traffic delivery, it is well known in the art that operating a switching device may take the form of an entirely hardware embodiment, an entirely software embodiment or an embodiment combining software and hardware aspects.

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to implement the method for controlling network traffic delivery of **Egawa** in the form of computer program product that compatible and suitable to their existing switching system to reduce the cost of additional hardware equipment.

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*Allowable Subject Matter*

7. Claims 33, 35, 37, 39, 41 and 43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington, VA., Sixth Floor (Receptionist)

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (703) 308-0148. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (703) 305-4366.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Brenda Pham  
May 14, 2002

  
WELLINGTON CHIN  
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